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Attorneys for Plaintiffs

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAII

PATRICIA N. and GUY N.,  
individually and on behalf of their  
minor daughter, AMBER N.,

Plaintiffs,

vs.

PATRICIA HAMAMOTO, in her  
official capacity as Superintendent of  
the Hawaii Department of Education;  
DEPARTMENT OF EDUCATION,  
STATE OF HAWAII,

Defendants.

CIVIL No. CV00-00252 MLR/LEK  
(Other Civil Action)

PLAINTIFFS' MOTION TO  
CONTINUE: 1) DEFENDANTS'  
MOTION TO DISMISS  
PLAINTIFFS' FIRST AMENDED  
COMPLAINT FILED JUNE 2, 2008,  
FOR FAILURE TO EXHAUST  
ADMINISTRATIVE REMEDIES;  
AND 2) DEFENDANTS' MOTION  
TO PRECLUDE THE TESTIMONY  
OF BARBARA BATEMAN;  
DECLARATION OF STANLEY E.  
LEVIN; EXHIBITS "A" -- "C" AND  
CERTIFICATE OF SERVICE

**HEARING: September 11, 2008**  
**TIME: 10:00 a.m.**  
**JUDGE: MANUEL L. REAL**

PLAINTIFFS' MOTION TO CONTINUE: 1) DEFENDANTS'  
MOTION TO DISMISS PLAINTIFFS' FIRST AMENDED  
COMPLAINT FILED JUNE 2, 2008, FOR FAILURE TO EXHAUST  
ADMINISTRATIVE REMEDIES; AND 2) DEFENDANTS' MOTION  
TO PRECLUDE THE TESTIMONY OF BARBARA BATEMAN

Plaintiffs, above-named, hereby move this Court to continue: 1) Defendants' Motion to Dismiss Plaintiffs' First Amended Complaint, Filed June 2, 2008, for Failure to Exhaust Administrative Remedies; and 2) Defendants' Motion to Preclude the Testimony of Barbara Bateman currently scheduled for September 11, 2008 at 10:00 a.m. The grounds for this motion are that the lead attorney, Michael Livingston, has suffered severe complications over a serious leg injury he had earlier this year. In any event, Mr. Livingston will not physically be in Hawaii on the date of the scheduled hearing. Attorney Stanley E. Levin cannot argue the motions as he suffers from Parkinson's disease. Plaintiffs need to move the hearing until mid-October.

This motion is authorized by Rule 7 of the Federal Rules of Civil Procedure and the declarations attached hereto.

DATED: Honolulu, Hawaii, August 28, 2008.

/S/ STANLEY E. LEVIN

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STANLEY E. LEVIN  
MICHAEL K. LIVINGSTON  
ANNE L. WILLIAMS  
Attorneys for Plaintiffs